

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for approval ) DOCKET NO. 951323-WU  
of service availability policy ) ORDER NO. PSC-96-0594-FOF-WU  
in Escambia County by the ) ISSUED: May 7, 1996  
Peoples Water Service Company. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
J. TERRY DEASON  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

ORDER APPROVING TARIFF

BY THE COMMISSION:

On August 25, 1992, Order No. PSC-92-0866-FOF-WU was issued approving the utility's application for a grandfather water certificate and establishing the utility's initial rates and charges. According to the 1993 annual report, the utility's annual revenues are \$3,090,689, and its operating income is \$454,776.

On November 7, 1995, the utility filed its application requesting approval to change its service availability policy pursuant to Section 367.101, Florida Statutes. The utility stated in its application that it is not proposing a change to the existing service availability charges but proposing the change to more fully explain the utility's service availability policy and procedure.

Pursuant to Section 367.101 (1), Florida Statutes, the Commission shall, upon request or upon its own motion, investigate agreements or proposals for charges and conditions for service availability. By Order No. PSC-96-0163-FOF-WU, issued February 6, 1996, we suspended the proposed tariff sheets, allowing sufficient time for thorough review of the utility's request.

Upon review of the utility's request and proposed tariff sheets, we find it appropriate to approve the utility's request to change the service availability policy. We note that much of this filing is associated with the utility's policy and procedure as it relates to developers. We do find that the revised tariff sheets

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add clarity. However, the utility is herein reminded that developer agreements must be filed separately with this Commission and approved at the appropriate time.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Peoples Water Service Company's proposed tariff sheets to modify its service availability policy shall be approved as filed. It is further

ORDERED that if a protest is filed in accordance with the requirement set forth below, the tariff shall remain in effect with any increase in revenues held subject to refund pending resolution of the protest. It is further

ORDERED that if no protest is filed in accordance with the requirements set forth below, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 7th day of May, 1996.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 28, 1996.

In the absence of such a petition, this order shall become final on the day subsequent to the above date.

Any objection or protest filed in this docket before the issuance date of this Order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this Order becomes final on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the date this Order becomes final, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.